

HONORABLE DAVID G. ESTUDILLO

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RUTHANNA SHIRLEY, JOHNATHAN
HONE, CARLY PETERS, CHARLES
FRADY, MARCUS SANCHEZ, MORGAN
WINES, SAMUEL KOLB, STEPHEN J.
ANDERSON, THOMAS MOATS,
TRENTON DE BOER, DONALD BRADLEY
ALLEN, JOSHUA BELTZ, ERIC OSWALD,
DREW DELOZIER, LINDA LOPEZ, PAUL
CHERRY, ISAAC STUTES, JULI
ANDERSON,

Plaintiffs,

v.

WASHINGTON STATE DEPARTMENT OF
FISH AND WILDLIFE, a Washington State
Governmental Agency, KELLY SUSEWIND,
an individual, AMY WINDROPE, an
individual, LONNIE SPIKES, an individual,
STEVE BEAR, an individual, CRAIG
BURLEY, an individual,

Defendants.

No. 3:23-cv-05077-DGE

**DECLARATION OF MARY PETERSON
IN SUPPORT OF DEFENDANTS'
MOTION TO DISMISS PLAINTIFFS
THOMAS MOATS, JOSHUA BELTZ,
CARLY PETERS, MARCUS SANCHEZ
AND MORGAN WINES**

Pursuant to 28 U.S.C. § 1746, the undersigned hereby declares that:

1. I am an attorney with the firm of Hillis Clark Martin & Peterson P.S., which represents Defendants in this action. I have personal knowledge of the matters set forth in this declaration and am competent to testify in this matter.

*DECLARATION OF MARY PETERSON IN SUPPORT OF
DEFENDANTS' MOTION TO DISMISS
(3:23-CV-05077-DGE) - 1*

HILLIS CLARK MARTIN & PETERSON P.S.
999 Third Avenue, Suite 4600
Seattle, WA 98104
Tel: (206) 623-1745
Fax: (206) 623-7789

2. I began reaching out to Plaintiffs in October 2024 to attempt to schedule depositions of all Plaintiffs, including Thomas Moats, Joshua Beltz, Carly Peters, Marcus Sanchez and Morgan Wines. After repeatedly trying to obtain dates to cooperatively schedule these five individuals, I noted their depositions so they could take place before the January 31, 2025 discovery cutoff. Attached as Exhibits 1-5 are notices of deposition for these five Plaintiffs served on Plaintiffs' counsel by agreement.

3. The day before the noted deposition of Mr. Moats, I received word from Plaintiffs' counsel that Mr. Moats would not be appearing. I confirmed at that time with Plaintiffs' Counsel that the other four would not be appearing for their noted depositions either. Attached as Exhibit 6 is my email exchange with Plaintiffs' counsel.

4. Plaintiffs Moats, Beltz, Peters, Sanchez, and Wines did not make themselves available for depositions prior to the January 31, 2025 discovery cutoff. It would cause prejudice to Defendants for them to remain in this case because Defendants were not able to take their depositions, which may aid the defense of this case.

I hereby declare, under the penalty of perjury under the laws of the United States of America, that the foregoing is true and correct.

DATED on this 7th day of February, 2025, at Seattle, Washington.

s/Mary Peterson
MARY PETERSON

CERTIFICATE OF SERVICE

I hereby caused to be served a true and correct copy of the foregoing document by method indicated below and addressed to the following:

Nathan J. Arnold, WSBA, #45356
Arnold Jacobwitz & Alvarado PLLC
720 Seneca Street Ste. 107, No. 393
Seattle, WA 98101
nathan@ajalawyers.com
(206)799-4221

Delivery Via:
☐ U.S. Mail
☐ Overnight Mail
☐ Facsimile
☒ E-Mail
☒ CM/ECF

Dennis McGlothin, WSBA #28177
Western Washington Law Group PLLC
10485 NE 6th St. Suite 1820
Bellevue, WA 98004
docs@westwalaw.com

Counsel for Plaintiff

R. Bruce Johnston, WSBA No. 4646
Arnold Jacobwitz & Alvarado PLLC
720 Seneca Street Ste. 107, No. 393
Seattle, WA 98101
bruce@rbrucejohnston.com
(206) 799-4221

Of Counsel to Attorney for Plaintiffs

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED this 7th day of February, 2025, at Seattle, Washington.

HILLIS CLARK MARTIN & PETERSON P.S.

s/Sopheary Sanh
Sopheary Sanh, Legal Assistant
Sopheary.sanh@hcmp.com